

RemarksElection of Species

Claims 1-11 and 23-27 are withdrawn from consideration.

Objection to Claim 22

The Examiner has objected to claim 22 for including allowable subject matter but depending upon a rejected claim. The Applicants have canceled claim 22 rendering the Examiner's objection moot.

Rejections Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 19-21, 28-30, 38, and 39 as anticipated under 35 U.S.C. § 102(b) by United States patent number 5,539,519 issued to Takagi et al (hereinafter referred to as Takagi). The Examiner has rejected claims 38 and 39 as anticipated under 35 U.S.C. § 102(b) by United States patent number 4,496,835 issued to Boella et al (hereinafter referred to as Boella). The Applicant respectfully requests the Examiner's careful consideration of the following explanation the regarding Examiner's rejections.

Rejections of Claims 19-21 Under 35 U.S.C. § 102(b)

The amended claim 19 includes limitations related to the originally filed claim 22, indicated by the Examiner as including allowable subject matter. Accordingly, the Applicants respectfully request withdrawal of the rejection of claim 19 under 35 U.S.C. § 102(b) for at least this reason.

Claims 20 and 21 depend, either directly or indirectly, upon the amended claim 19 and therefore include all the limitations of the amended claim 19. Therefore, for at least the reason that a valid *prima facie* anticipation rejection of the amended claim 19 with respect to Takagi is not present, valid *prima facie* anticipation rejections of claims 20 and 21 with respect to Takagi are not present. Accordingly, the Applicant respectfully requests withdrawal of the rejections of claims 20 and 21 under 35 U.S.C. § 102(b).

Rejections of Claims 28-30 Under 35 U.S.C. § 102(b)

The amended claim 28 includes limitations related to the originally filed claim 22, indicated by the Examiner as including allowable subject matter.

Accordingly, the Applicants respectfully request withdrawal of the rejection of claim 28 under 35 U.S.C. § 102(b) for at least this reason.

Claims 29 and 30 depend, either directly or indirectly, upon the amended claim 28 and therefore include all the limitations of the amended claim 28. Therefore, for at least the reason that a valid *prima facie* anticipation rejection of the amended claim 28 with respect to Takagi is not present, valid *prima facie* anticipation rejections of claims 29 and 30 with respect to Takagi are not present. Accordingly, the Applicant respectfully requests withdrawal of the rejections of claims 29 and 30 under 35 U.S.C. § 102(b).

Rejections of Claims 38 and 39 Under 35 U.S.C. § 102(b)

The amended claim 38 includes the limitations of "*second means for emitting and reflecting or refracting the light* to emit the light in two directions". (emphasis added) As the Applicants know that the Examiner is well aware, MPEP section 2181, in discussing when to apply 35. U.S.C. § 112, sixth paragraph, requires that:

A claim limitation *will be* interpreted to invoke 35 U.S.C. 112, sixth paragraph, if it meets the following 3-prong analysis:

(A) the claim limitations must use the phrase "**means for**" or "step for;"

(B) the "**means for**" or "step for" **must be modified by functional language**; and

(C) the phrase "**means for**" or "step for" must not be modified by sufficient structure, material or acts for achieving the specified function. (emphasis added)

The Applicants respectfully submit to the Examiner that, according to the MPEP 2181 procedure, claim 38 must be examined according to the procedure associated with 35 U.S.C. § 112, sixth paragraph.

The Applicants further note that MPEP 2183, in discussing the procedure for establishing a *prima facie* case of equivalence, requires that:

If the examiner finds that a prior art element
(A) performs the function specified in the claim,
(B) is not excluded by any explicit definition provided in the specification for an equivalent, and
(C) is an equivalent of the means- (or step-) plus-function limitation, *the examiner should provide an explanation and rationale in the Office action as to why the prior art element is an equivalent.* (emphasis added)

The Applicants submit that neither Takagi nor Boella performs the functions recited above of the amended claim 38. Therefore, the Applicants submit that a valid *prima facie* anticipation rejection of claim 38 is not present for at least this reason. Accordingly, the Applicants respectfully request withdrawal of the rejection of claim 38 35 U.S.C. § 102(b).

Claim 39 depends upon the amended claim 38 and therefore includes all the limitations of the amended claim 38. Therefore, for at least the reason that a valid *prima facie* anticipation rejection of the amended claim 38 with respect to Takagi and Boella is not present, a valid *prima facie* anticipation rejection of claims 38 with respect to Takagi and Boella are not present. Accordingly, the Applicant respectfully requests withdrawal of the rejections of claims 29 and 30 under 35 U.S.C. § 102(b).

New Claims

The Applicants have added claims 40 and 41. Support for claims 40 and 41 can be found in the originally filed application in, for example, Figure 1c, Figure 6c, and associated text within the written description.

Conclusion

The Applicants respectfully contend that the subject application is in a condition for allowance. Allowance is respectfully requested.

Respectfully submitted,
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Response B